

**SENATE JOURNAL  
58TH LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 20, 2003

Senate Chambers  
State Capitol

The Senate convened at 1:00 p.m.

**MOTIONS**

Senator Thomas moved that the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's U. S. Congressman, The Honorable Dennis Rehberg, and that upon adjournment of the joint session, the Senate will resume. Motion carried. The Senate proceeded to the House of Representatives.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House Chamber.

Speaker Mood introduced Senate President Keenan and yielded the chair to him.

Senate Majority Leader Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from The Honorable Dennis Rehberg. Motion carried.

Senate Majority Leader Thomas moved that the president be authorized to appoint a committee of four to notify Congressman Rehberg that we are in joint session and ready to receive his address. Motion carried.

The president appointed Senator Stapleton, Senator Cromley, Representative Steinbeisser and Representative Wilson and discharged the committee to escort the Honorable Congressman Rehberg into the house chambers.

The committee escorted Congressman Rehberg into the chambers.

Pastor Sam Hughes of the Calvary Baptist Church gave the invocation, followed by the Pledge of Allegiance.

President Keenan introduced Congressman Rehberg, who gave the following speech to the joint session:

Lt. Gov Ohs, President Keenan, Speaker Mood, friends, guests, my fellow Montanans:

Will Rogers said, " If all Politicians fished instead of spoke publicly, we would be at peace in the world."

Mo Udall, longtime chairman of the House Resources Committee became so exasperated over the lengthy debate one time he said, "Everything that could be said about this issue has already been said on this floor tonight. Unfortunately everyone has not yet said it yet." Nevertheless, it is my privilege to come before you once again as Montana's Congressman to speak about what I feel are Montana's priorities this Congress, and what I will do to accomplish those priorities. Of course this can be, by no means, a complete list of issues I will have to work on on your behalf. Consider that my last opportunity to stand before you in regular session occurred fully six months before September 11,2001 and all that has happened to us since then.

Today we celebrate the life and accomplishments of Martin Luther King. Nearly four decades ago, Dr. King wrote a very polite letter to fellow clergymen who had criticized what he called "civil disobedience." Dr. King wrote: " If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

have said anything that understates the truth and indicates my having a patience that allows me to

settle for anything less than brotherhood, I beg God to forgive me.” So in my remarks this morning, remembering Martin Luther King, I intend neither to overstate nor understate the truth.

**Drought Disaster Relief**

How often I have heard from farmers and ranchers struggling to provide for their families, scarcely able to pay their bills, hoping against hope that perhaps this will be the year the long drought ends, praying that they will be able to hold on until the disaster does finally end.

And yet, many in Washington say drought relief must wait; that our disaster is not a catastrophe—like a tornado or a flood; that we must first accommodate the real disasters.

If a hurricane is like a broken arm or leg that can be fixed—then continuing drought is like a cancer, destroying the very essence of rural Montana. Small town America is the glue that holds this Nation together.

And the role of the federal government is to assist in times of need, and above all, to provide a lifeboat of opportunity for those struggling against the economic currents that threaten to pull them under.

I will reintroduce my legislation that does just that, by creating a National Drought Advisory Committee, modeled after Montana's.

Thank you, Lt. Governor Ohs, for your outstanding leadership as chairman and you, Senator Story, for your passion as a committee member long before you entered the arena of elective politics.

**Crop Insurance**

But drought isn't the only problem facing Montana's number one industry. Our Ag. producers are still stuck with a clumsy crop insurance program. These policies must be reformed to better protect producers' investments in the program and to increase protections against manipulation. I also believe it is time to begin the debate on policies to producers of cattle and other livestock to protect Montanans who are struggling to make their living on the family ranch.

The bottom line is that our country has the safest and best quality food at the lowest price—and in order for Americans to continue to enjoy the benefits of this policy, we've got to give our producers the best tools and the support they need.

And while I'll continue to push the federal government to meet its responsibilities to agriculture, our producers must also begin to plan for the future of agriculture. And that future lies in adding value to our raw commodities. That's why I inserted language into the farm bill that establishes a demonstration program to give agriculture producers who want it, much-needed technical and financial assistance in starting their own value-added endeavors. Our producers need to begin to move from being price takers to being price makers, and encouraging value-added agriculture opportunities will provide a real shot in the arm to Montana's economy.

**Energy Policy**

But no matter what we do to stimulate Montana's economy – none of it will matter if America does not have an energy policy. And as we enter 2003, I'm optimistic you and I will finally see a comprehensive energy policy signed into law this

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

session of Congress.

There is an old Chinese proverb that says: "The best time to plant a tree is twenty years ago, but the second best time is today." We needed a comprehensive energy plan twenty years ago. We cannot afford to wait until tomorrow. Between January and June of last year, the United States spent \$2.3 billion on Iraqi oil imports, effectively funding Saddam Hussein's war machine.

I was disappointed certain individuals in the Senate were unable to agree with the terrific energy bill we passed in the House. However, I've learned to take heart in something Mike Mansfield once said: "You can do anything in the Senate, provided you have the patience and live long enough."...(The U.S. Senate)

So this session I'm optimistic we'll live long enough to see them act on the progress we made. As a member of the House Resources Committee, I intend to press Congress to pick up where the last session left off, and pass a comprehensive energy policy that addresses ways to improve domestic production, as well as improve access to reliable electricity, new technologies, increased energy efficiency and increasing funding for low-income energy assistance. The bill must include measures such as funding clean coal technology and encouraging alternatives like ethanol – provisions that are good for Montana, and good for our nation. And we must practice energy conservation and any energy bill has to include incentives to do just that. I have spoken of efforts to improve Montana's economy by boosting our number one industry-agriculture, and by enacting an energy bill that utilizes many of Montana's natural resources, such as coal and timber. Now let me turn to another task that will benefit Montana's families.

#### **Tax Relief**

When I last spoke to you two years ago, I pledged I would support the president's call for enacting tax relief. I'm happy to report Congress listened to that call and to her people and responded by lowering tax rates, doubling the child credit, and reducing the death tax. But a down-payment alone is not enough to provoke an effective economic stimulus in Montana and the rest of the nation. For the sake of long-term growth and to help Montanans plan for the future, we need to make this tax relief permanent

In unveiling his own tax-relief proposal 40 years ago this month, President John F. Kennedy told us: "No doubt a temporary tax cut could provide a spur to our economy – but a long-run problem, compels a long-term solution." President Kennedy knew then that good jobs depend on sound tax policy. He reminded us that when you need to stimulate the economy you don't do it with more government spending, or even necessarily, the same government spending, you do it by allowing people to keep more, of what they earn.

Some call this sound fiscal policy. I would suspect you and I would call it common sense. Like President Kennedy, I believe in the philosophy that government doesn't create jobs - people and small business do. Families and small businesses prosper when government entrusts them with the liberties found in the American dream – liberties that allow Montanans to reach as high as their God-given talents will take them. After all, Montana is too great for small dreams.

#### **Prescription Drug Coverage, Medicare**

However, Montanans also know that economic security can vanish in an instant without health security. This past session of Congress, the House approved legislation I supported to help small businesses offer health benefits to employees through the creation of association health plans.

The House also passed legislation to create a prescription drug benefit and to allow Americans to import safe, less expensive medicines from Canada or Europe. This session I'm optimistic we can persuade the Senate to pass these bills

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

as well.

I'm also encouraging my colleagues in Congress this year to again join me in enacting legislation that will give seniors a sound and modern Medicare system that reflects the changes in health care that have occurred in the last 35 years. This system must include a common sense prescription drug plan for our seniors.

**Education, IDEA**

Montana families also need a sound and modern education system for our children. Last session, as promised, we made education our #1 priority by enacting the "No child left behind" measure. That legislation included an unprecedented 12.5% funding increase for federal programs while providing more flexibility for local school districts.

But all is not right, nor just. The federal government must honor the promise it made to states under IDEA – the Individuals with Disabilities Act, which directs Federal dollars to students with special needs.

As you probably know, the federal government promised 25 years ago to pay 40% of the costs for special needs students. So far, the federal government has never contributed more than 15% amounting to yet another under-funded mandate on our local school districts.

In one year, Montana was short-changed nearly \$40 Million in IDEA funding. This is unacceptable. Last year we tried unsuccessfully to amend the President's education bill to mandate full funding. While we were successful in securing an additional \$4 million dollars, the government is still a long way from paying their fair share. As this program is up for re-authorization this year, I will continue to fight for full funding.

**Highway Construction**

I think it was Al Capone who said: You can get much further with a kind word and a gun than you can with a kind word alone." Well, I've discovered that in Congress, you can get much further with a kind word and determination than with a kind word alone. And as a member of the House Transportation Committee, I'm determined to see increased highway funding for Montana.

Early this year, we will begin work on the re-authorization of TEA-21 and re-authorization of our Nation's highway construction funding. The results of this are far reaching. For instance, for every billion dollars spent on our highways, it results in over 42,000 well-paying jobs. Here at home, highway investments can help stimulate our own economy. Better roads, better bridges, increased transit options, result in increased productivity by decreasing travel time, encouraging development, and above all, result in an economic return of \$6 for every \$1 spent.

**Concluding Remarks**

I get asked a lot in Washington what it's like to represent such a large district. My most common answer is that it is 56 counties – with 56 unique personalities and 56 different cultures.

Baker is different than Libby. Plentywood has different hopes and dreams than Dillon.

But more than anything, I have come to the conclusion that our state's greatest resource is not coal or timber or livestock or even its wealth of minerals. Our greatest resource is not our breathtaking mountains in the west nor our amber waves of grain in the east. Montana's greatest resource is us. The diversity, independence, and faith of our citizens, young and old, have made Montana this Nation's finest place to live. Compared to other states, our numbers are small in quantity,

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

but glowingly large in quality.

That's why, when it comes to the cherished goal of a state bursting with opportunities, reaching for its future with confidence, there really are no Republicans or Democrats or Independents...just Montanans.

Let us therefore look to the future with confidence. To paraphrase Ronald Reagan, "How can we not believe in the greatness of Montana?" In our shared belief that Montana is America's best state in which to live, how can we believe anything less than that Montana's greatest days lie ahead? Thank you for giving me the opportunity to represent you in the United States Congress. Working together we can, and we will, build a more Secure Future for All Montanans. May God Bless you and may God Bless our wonderful State.

The President thanked Congressman Rehberg and directed the escort committee to escort Congressman Rehberg from the joint session.

Senate Majority Leader Thomas moved that the joint session of the 58th Legislature, convened to receive the address from Congressman Rehberg, be adjourned. Motion carried.

**Joint session adjourned at 1:27 p.m.**

**Senate reconvened at 1:31 p.m.** President Keenan presiding.

Roll Call. All members present except Senators Cooney and Tash, excused. Quorum present.

The presiding officer has authenticated the daily journal for the tenth legislative day.

**SPECIAL ORDERS OF THE DAY**

Senators Thomas, Nelson, Ryan and Grimes gave a short narration in recognition of Martin Luther King, Jr.

**REPORTS OF STANDING COMMITTEES**

**BILLS REPORT**

Correctly printed: **SB 226, SB 227, SB 228, SB 229, SB 230, SB 231.**

Correctly engrossed: **SB 24, SB 30, SB 39, SB 45, SB 68, SB 98.**

**HIGHWAYS AND TRANSPORTATION** (Butcher, Chairman):

1/16/2003

**SB 83**, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Grimes, Chairman):

1/20/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 17, 2003:

TITLE

NAME

Pages:

Tess Ritter, Ruyard, MT  
Vanessa Jones, Conrad, MT  
Rebecca Wahl, Cut Bank, MT

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

Robert Price, Buffalo, MT  
Larisa Springer, Missoula, MT  
Abigail Redfern, Missoula, MT  
Danielle Josephsen, Conrad, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 20, 2003:

<u>TITLE</u>	<u>NAME</u>	<u>SPONSOR</u>
Pages:	Jennie Berg, Butte, MT	Senator Shea
	Abbey Joyce, Butte, MT	Senator Shea
	Sarah Knobel, Conrad, MT	Senator Black
	Rebekah Grewett, Helena, MT	Senator Cobb
	Abigail Horan, Lewistown, MT	Senator Butcher
	Peter Nistler, Helena, MT	Senator Anderson

Report Adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/17/2003

**HB 1**, introduced by Lewis  
**HB 31**, introduced by Waitschies  
**HB 38**, introduced by A. Olson  
**HB 59**, introduced by Erickson  
**HB 68**, introduced by Kaufmann  
**HB 72**, introduced by Mendenhall  
**HB 104**, introduced by Bergren  
**HB 162**, introduced by Callahan  
**HB 165**, introduced by Lake

**MOTIONS**

**SB 61**- Senator Tester moved that Senators Bohlinger, Ellingson, Kitzenberg, Mangan, Ryan, Schmidt, Tropila, Representatives Bergren, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Jacobson, Keane, Matthews, Ryan, Smith, Wagman, Wilson and Witt be added as sponsors to **SB 61**. Motion carried.

**SB 214** - Senator Grimes moved **SB 214** be taken from the committee on Legislative Administration and rereferred to the committee on State Administration. Motion carried.

**MESSAGES FROM THE FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 232**, introduced by Mahlum, referred to Business and Labor.  
**SB 233**, introduced by Cobb, referred to Natural Resources.  
**SB 234**, introduced by Cobb, referred to Energy and Telecommunications.

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

**SB 235**, introduced by Bohlinger, referred to Business and Labor.

**SB 236**, introduced by F. Thomas, Haines, Cocchiarella, Mahlum, Wanzenried, referred to Business and Labor.

**SB 237**, introduced by Bales, Black, Butcher, Curtiss, Devlin, Glaser, Hansen, Laible, Nelson, A. Olson, Ripley, Taylor, referred to Agriculture, Livestock and Irrigation.

**SB 238**, introduced by Mangan, referred to Judiciary.

**SB 239**, introduced by Mangan, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 9**, introduced by Nelson, Musgrove, Bales, Bergren, Butcher, P. Clark, Franklin, Galvin-Halcro, Hansen, Hedges, Keane, Kitzenberg, Lenhart, McCarthy, McNutt, Newman, Pattison, D. Ryan, Shea, Smith, Tester, Waitschies, Wilson, Windy Boy, Witt, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

**HB 1**, introduced by Lewis, (by request of the Legislative Council), referred to Finance and Claims.

**HB 31**, introduced by Waitschies, Devlin, Zook (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

**HB 38**, introduced by A. Olson, referred to State Administration.

**HB 59**, introduced by Erickson (by request of the Department of Revenue), referred to Taxation.

**HB 68**, introduced by Kaufmann (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 72**, introduced by Mendenhall (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 104**, introduced by Bergren (by request of the State Auditor), referred to Business and Labor.

**HB 162**, introduced by Callahan (by request of the Department of Justice), referred to Finance and Claims.

**HB 165**, introduced by Lake (by request of the Department of Administration), referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 105** - Senator Johnson moved **SB 105** do pass. Motion carried unanimously.

**SB 133** - Senator Zook moved **SB 133** do pass. Motion carried unanimously.

**SB 114** - Senator Johnson moved **SB 114** do pass. Motion carried unanimously.

**SB 144** - Senator Barkus moved **SB 144** do pass. Motion carried unanimously.

**Senator Cooney present at this time.**

**SB 150** - Senator Johnson moved **SB 150** do pass. Motion carried unanimously.

SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 36** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**SB 56** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**SB 64** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton,



SENATE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 20, 2003

Stonington, Story, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 48

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Tash.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 21, 2003. Motion carried.

Senate adjourned at 2:13 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate